

# EXHIBIT B

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JOHN NYPL, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Case No. 1:15-CV-09300 (LGS)
	:	
JPMORGAN CHASE & CO., <i>et al.</i> ,	:	
	:	
Defendants.	:	
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**STIPULATION AND [PROPOSED] ORDER  
CONCERNING DEPOSITION COORDINATION**

Plaintiffs Go Everywhere, Inc., Valarie Jolly, Mad Travel, Inc., Lisa McCarthy, John Nypl, and William Rubensohn (collectively, “*Nypl* Plaintiffs”), and Defendants Bank of America Corporation, Bank of America, N.A., Barclays PLC, Barclays Capital Inc., Citibank, N.A., Citicorp, Citigroup Inc., HSBC North America Holdings, Inc., HSBC Bank USA, N.A., J.P. Morgan Bank, N.A., JPMorgan Chase Bank, N.A., JPMorgan Chase & Co., Royal Bank of Scotland PLC, and UBS AG (collectively, “*Nypl* Defendants”), by and through their undersigned counsel, hereby submit this stipulation as follows:

**WHEREAS**, on December 20, 2018, the Court ordered the parties in *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 13-cv-7789, *Contant v. Bank of Am. Corp. et al.*, No. 17-cv-3139, *Allianz v. Bank of Am. Corp. et al.*, No. 18-cv-10364, and this action (collectively, “Actions”) to “meet and confer in good faith and propose to the Court within 60 days” a proposed deposition protocol order “that would facilitate the scheduling of depositions in [this action], so as to, among other things . . . minimize the likelihood that any individual (other than experts) and

Rule 30(b)(6) designees will be deposed multiple times” (“Deposition Coordination Order”) (Dkt. No. 105);

**WHEREAS**, on January 10, 2019, *Nypl* Plaintiffs filed a letter objecting to the Deposition Coordination Order and requested that they be excluded from that Order (Dkt. No. 399), and, on January 11, 2019, the Court denied *Nypl* Plaintiffs’ request as premature (Dkt. No. 132);

**WHEREAS**, the parties in the Actions have met and conferred concerning the Deposition Coordination Order on multiple occasions;

**WHEREAS**, pursuant to Rules 30, 31, and 45 of the Federal Rules of Civil Procedure, the *Nypl* Plaintiffs, apart from experts, are only seeking the depositions of (i) the signatories to the May 20, 2015 plea agreements between the United States Department of Justice and Barclays PLC, Citicorp, JPMorgan Chase & Co., Royal Bank of Scotland PLC, and UBS AG, the December 11, 2012 deferred prosecution agreement between the United States Department of Justice, HSBC Holdings PLC, and HSBC Bank USA, N.A., and the January 18, 2018 deferred prosecution agreement between the United States Department of Justice and HSBC Holdings PLC (each, a “Signatory Witness,” and, collectively, “Signatory Witnesses”) and/or a corporate representative designated under Rule 30(b)(6) that is knowledgeable about said corporations’ May 20, 2015 plea agreements or the December 11, 2012 and January 18, 2018 deferred prosecution agreements, on topics limited to those agreements (each, a “30(b)(6) Witness,” and, collectively, “30(b)(6) Witnesses”); and (ii) Matthew Gardiner.

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned attorneys, on behalf of the *Nypl* Plaintiffs and *Nypl* Defendants, as follows:

- (1) *Nypl* Plaintiffs and *Nypl* Defendants shall be exempt from the Deposition Coordination Order as it applies to the *Nypl* action;
- (2) *Nypl* Plaintiffs shall be limited to seeking only depositions of (i) the Signatory Witnesses and/or 30(b)(6) Witnesses, and (ii) Matthew Gardiner;
- (3) *Nypl* Defendants may object to any of the foregoing depositions on any grounds;
- (4) *Nypl* Plaintiffs shall not notice or otherwise seek any other depositions, except *Nypl* Plaintiffs shall not be precluded from seeking additional depositions under Rule 45 from third parties not employed or formerly employed by any Defendant in the Actions;
- (5) *Nypl* Plaintiffs may attend any deposition taken in any of the Actions, but may not examine the witness at any such depositions (except for the potential depositions described in paragraphs 2, 4, and 6 herein);
- (6) *Nypl* Defendants may notice or otherwise seek any depositions in relation to the *Nypl* action, and *Nypl* Plaintiffs may cross-examine any witness deposed by *Nypl* Defendants where the deposition is noticed in the *Nypl* action; and
- (7) *Nypl* Plaintiffs and *Nypl* Defendants may purchase transcripts for depositions taken by any party in any of the Actions, including depositions taken prior to the entry of this Order, notwithstanding any provision limiting the use of such transcripts in any protective order entered in any of the Actions, and may utilize such transcripts for any purpose otherwise allowable under the Federal Rules of Evidence; provided however, that *Nypl* Plaintiffs and *Nypl* Defendants reserve all rights and objections and do

not waive any rights or objections available to them under the Federal Rules of Civil Procedure and the Federal Rules of Evidence, except that a party may not object to the use of a deposition on the ground that the party did not attend the deposition and/or was unable to question the witness and/or that the deposition was not noticed in the *Nypl* action.

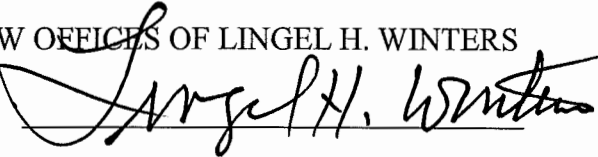
DATED: March 15, 2019

STIPULATED AND AGREED:

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SO ORDERED:

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**United States District Judge**

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